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HOUSE BILL 969*
Committee Substitute Favorable 6/11/18
Third Edition Engrossed 6/13/18

Short Title: Enhance Prison Security.

(Public)

Sponsors:

Referred to:

May 21, 2018

1 A BILL TO BE ENTITLED
2 AN ACT TO ENHANCE PRISON SECURITY, AS RECOMMENDED BY THE JOINT
3 LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 33 of Chapter 14 of the General Statutes is amended by adding
6 a new section to read:

7 "§ 14-254.5. Definitions.

8 The following definitions apply in this Article:

9 (1) Employee. – Any person who is hired or contracted to work for the State or a
10 local government.

11 (2) Prisoner. – Any person in the custody of (i) the Division of Adult Correction
12 and Juvenile Justice of the Department of Public Safety, (ii) any law
13 enforcement officer, or (iii) any local confinement facility as defined in
14 G.S. 153A-217 or G.S. 153A-230.1, including persons pending trial, appellate
15 review, or presentence diagnostic evaluation."

16 SECTION 1.2. Article 33 of Chapter 14 of the General Statutes is amended by
17 adding a new section to read:

18 "§ 14-258.7. Annual reports of violations.

19 (a) The Department of Public Safety and Juvenile Justice shall report the following to the
20 chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by March 15 of
21 each year:

22 (1) The number of incidents of any violation of this Article, G.S. 14-34.5(b),
23 14-34.7(b), or 14-34.7(c)(2) involving an employee or contractor of a
24 detention facility operated by the State.

25 (2) The nature of the resolution of every incident of any violation of this Article,
26 G.S. 14-34.5(b), 14-34.7(b), or 14-34.7(c)(2) involving an employee or
27 contractor of a detention facility operated by the State.

28 (b) The Conference of District Attorneys shall report the following to the chairs of the
29 Joint Legislative Oversight Committee on Justice and Public Safety by March 15 of each year:

30 (1) The number of criminal charges pursuant to this Article, G.S. 14-34.5(b),
31 14-34.7(b), or 14-34.7(c)(2) that resulted in trial.

32 (2) The number of criminal charges pursuant to this Article, G.S. 14-34.5(b),
33 14-34.7(b), or 14-34.7(c)(2) that were resolved by a plea to a lesser-included
34 offense.



(3) The number of criminal charges pursuant to this Article, G.S. 14-34.5(b), 14-34.7(b), or 14-34.7(c)(2) that were resolved by a voluntary dismissal or other discretionary action that effectively dismissed or reduced the original charge.

(b) The Administrative Office of the Courts shall report the following to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by March 15 of each year:

(1) The number of violations of this Article, G.S. 14-34.5(b), 14-34.7(b), and 14-34.7(c)(2) charged.

(2) The number of violations of this Article, G.S. 14-34.5(b), 14-34.7(b), and 14-34.7(c)(2) that ended in a conviction.

(3) The number of violations of this Article, G.S. 14-34.5(b), 14-34.7(b), and 14-34.7(c)(2) that were dismissed."

SECTION 2. G.S. 14-258.4 reads as rewritten:

"§ 14-258.4. Malicious conduct by prisoner.

(a) ~~Any person in the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, including the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, any law enforcement officer, or any local confinement facility (as defined in G.S. 153A-217, or G.S. 153A-230.1), including persons pending trial, appellate review, or presentence diagnostic evaluation, Any prisoner who knowingly and willfully throws, emits, or causes to be used as a projectile, any bodily fluids or excrement fluids, excrement, or unknown substance at a person who is an employee of the State or a local government at an employee, while the employee is in the performance of the employee's duties, is guilty of a Class F felony. The provisions of this section apply to violations committed inside or outside of the prison, jail, detention center, or other confinement facility.~~

(b) Any prisoner who knowingly and willfully exposes genitalia to an employee while the employee is in the performance of the employee's duties is guilty of a Class I felony.

(c) The provisions of this section apply to violations committed inside or outside of the prison, jail, detention center, or other confinement facility."

SECTION 3. G.S. 14-258 reads as rewritten:

"§ 14-258. ~~Conveying messages and weapons to or trading with convicts and other prisoners. Providing forbidden articles or tools for escape; possessing tools for escape.~~

~~If any person shall convey to or from any convict any letters or oral messages, or shall convey to any convict or person imprisoned, charged with crime and awaiting trial any weapon or instrument by which to effect an escape, or that will aid him in an assault or insurrection, or shall trade with a convict for his clothing or stolen goods, or shall sell to him any article forbidden him by prison rules, he shall be guilty of a Class H felony: Provided, that when a murder, an assault or an escape is effected with the means furnished, the person convicted of furnishing the means shall be punished as a Class F felon.~~

(a) Providing Forbidden Articles or Tools for Escape. – Any person who sells, trades, conveys, or provides any of the following to a prisoner is guilty of a Class H felony:

(1) An article forbidden by prison rules.

(2) A letter, oral message, weapon, tool, good, clothing, device, or instrument, to effect an escape, or aide in an assault or insurrection.

(b) Increased Penalty. – Any violation of subdivision (2) of subsection (a) of this section that does effect an escape, assault, or insurrection is a Class F felony.

(c) Possessing Tools for Escape. – Any prisoner who possesses a letter, weapon, tool, good, article of clothing, device, or instrument to do any of the following is guilty of a Class H felony:

(1) To effect an escape.

(2) Aide in an assault or insurrection.

1 (d) Application. – The provisions of this section apply to violations committed inside or
2 outside of the prison, jail, detention center, or other confinement facility."

3 **SECTION 4.** G.S. 143B-929 reads as rewritten:

4 **"§ 143B-929. Operation and management of Information Sharing and Analysis Center.**

5 The State Bureau of Investigation shall operate and manage the Information Sharing and
6 Analysis Center, and its operation and management shall be under the sole direction and control
7 of the Director of the State Bureau of Investigation. The Information Sharing and Analysis Center
8 is authorized to analyze information related to any threat of violence to the safety of any
9 individual associated with (i) an educational property as defined in G.S. 14-269.2 or (ii) a place
10 of worship as defined in G.S. 14-54.1. The Information Sharing and Analysis Center shall
11 promptly notify the sheriff and local law enforcement agency with jurisdiction if (i) a threat is
12 determined to be credible and (ii) the location of the educational property or place of worship
13 associated with the threat, or the location of any individual suspected of creating the threat, is
14 ascertained. The Director of the State Bureau of Investigation and other sworn law enforcement
15 officers of the State Bureau of Investigation may give assistance to sheriffs and police officers
16 when called upon by them and so directed, as provided in G.S. 143B-917."

17 **SECTION 5.** Sections 1.2 and 4 of this act are effective when they become law. The
18 remainder of this act becomes effective December 1, 2018, and applies to offenses committed on
19 or after that date.